

The Honorable Lauren King

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES BENECKE,

Defendant.

NO. CR23-108 LK

DISCOVERY PROTECTIVE ORDER
~~[PROPOSED]~~

This matter, having come to the Court's attention on the Stipulation for Entry of a Discovery Protective Order submitted by the United States of America and Defendant JAMES BENECKE, and the Court, having considered the stipulated motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. Protected Material

The following are deemed Protected Material: child forensic interview of Minor Victim 1 and body worn videos that capture Minor Victim 1's interview. The United States will make available copies of the Protected Material, including those filed under seal, to defense counsel to comply with the government's discovery obligations. Possession of copies of the Protected Material is limited to the attorneys of record, and investigators, paralegals, law clerks, experts, and assistants for the attorney of record (hereinafter collectively referred to as members of the defense team).

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2. Scope of Review of Protected Material

Defense attorney of record and members of the defense team may display and review the Protected Material with the Defendant. The defense may share a copy of the protected materials with the defendant. The defense agrees that the materials will not be shared with anyone else beyond the defense team and the defendant. After reviewing the protected materials and consulting defense counsel regarding the material, the defendant agrees to delete the protected material. The defendant further agrees not to disseminate the protected material to anyone without prior approval of the court.

3. Consent to Terms of Protective Order

The attorney of record for the Defendant is required, prior to disseminating any copies of the Protected Material to permitted recipients, such as other members of the defense team, to provide a copy of this Protective Order to those permitted recipients, and to obtain the written consent by those recipients of the terms and conditions of this Protective Order. Such written consent shall not, however, be required with respect to members of the defense team who are employed by the same office as the attorneys of record; in such case, it shall be sufficient for the attorneys of record to provide a copy of this Protective Order to such other members of the defense team and to remind them of their obligations under the Order. The written consent need not be disclosed or produced to the United States unless requested by the United States Attorney's Office for the Western District of Washington and ordered by the Court.

4. Parties' Reciprocal Discovery Obligations

Nothing in this order should be construed as imposing any discovery obligations on the government or the defendant that are different from those imposed by case law and Rule 16 of the Federal Rules of Criminal Procedure, and the Local Criminal Rules.

5. Filing of Protected Material

Any Protected Material that is filed with the Court in connection with pre-trial motions, trial, sentencing, or other matter before this Court, shall be filed under seal and shall remain sealed until otherwise ordered by this Court. This does not entitle either party to seal their filings as a matter of course. The parties are required to comply in all

1 respects to the relevant local and federal rules of criminal procedure pertaining to the
2 sealing of court documents.


3 6. Nontermination

4 The provisions of this Order shall not terminate at the conclusion of this
5 prosecution. The provisions of this Order shall terminate only by court order.

6 7. Violation of Protective Order

7 The defendant is on notice that should he violate the terms of this protection order,
8 the United States reserves the right to seek appropriate relief from the Court.
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10 DATED this 11th day of March 2024.
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13 LAUREN KING

14 United States District Court Judge

15 Presented by:
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17 s/ Jocelyn Cooney

18 JOCELYN CONEY

19 Assistant United States Attorney

20 s/ Jesse Cantor

21 JESSE CANTOR

22 Attorney for Defendant
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